

### III. REMARKS

Claims 1-33 are pending in this application. By this amendment, claims 1, 8, 15, 22 and 27 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 7, 17, 14, 25 and 33 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Claims 27-33 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claims 1, 2, 6, 8, 9, 13, 15, 16, 18, 27, 28 and 32 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Leung *et al.* (U.S. Patent Pub. No. 2003/0046270), hereafter "Leung." Claims 4-5, 11-12, 20-21, 22-24 and 30-31 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Leung in view of Microsoft Windows NT Server Administrator's Bible: Option Pack Edition, hereafter "Bible." Claims 3, 10, 19 and 29 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Leung in view of Armitano *et al.* (U.S. Patent Pub. No. 2004/0230795), hereafter "Armitano."

#### A. REJECTION OF CLAIMS 7, 17, 14, 25 AND 33 UNDER 35 U.S.C. §112, FIRST PARAGRAPH

The Office has asserted that claims 7, 17, 14, 25 and 33 contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Specifically, the Office cites the limitation "...wherein the requests are routed to the selected storage cells in identical communication protocols in which the requests are received by the storage grid manager," stating that there is no explanation how this can occur, given that a request has been sent using multiple formats and there is no mention of formats being converted. Applicants respectfully submit that the process is described in sufficient detail in paragraphs 0023-0026. Specifically, the request is "transmitted to web server and/or application server, and from there to a respective "protocol" server." Para. 0023. Examples of respective protocol servers include the following protocols: FTP, HTTP, CIFS, NFS, SMB, etc. From the respective protocol server, the request "will be routed to storage grid manager (e.g., to one [of] a possible group of storage grid managers)." Par. 0024. To this extent, the respective protocol server routes the request to a storage grid manager using a particular protocol. See also FIG. 1, in which requests using different protocols are transmitted to one of three protocol servers based on the protocol and from there to the storage grid managers. The request may then be routed from the storage grid manager to the selected storage cells using the same protocol or a private protocol. Thus, Applicants asserts that the above limitation is sufficiently described in the specification. Accordingly, Applicants request that the rejection be withdrawn.

#### **B. REJECTION OF CLAIMS 27-33 UNDER 35 U.S.C. §101**

The Office has rejected claims 27-33 for allegedly being directed to non-statutory subject matter. Applicants have amended claim 27 to recite, "A program product stored on a computer readable medium." Claims 28-33 depend from claim 28. Applicants assert that this amendment

further directs the invention to statutory subject matter. Accordingly, Applicants request that the rejection be withdrawn.

**C. REJECTION OF CLAIMS 1, 2, 6, 8, 9, 13, 15, 16, 18, 27, 28 AND 32 UNDER 35 U.S.C. §102(e)**

With regard to the 35 U.S.C. §102(e) rejection over Leung, Applicants assert that Leung does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 8, 15 and 27, Applicants submit that Leung fails to teach a geographically separated enterprise storage system. The Leung reference does teach a heterogeneous storage environment. Abstract. However, Leung never teaches that its heterogeneous storage environment is geographically separated. In contrast, the present invention includes "...a geographically separated enterprise storage system." Claim 1. As such, the enterprise storage system of the claimed invention is not merely heterogeneous, but rather or in addition is geographically separated. For example, one storage cell of the enterprise system may be located on the east coast of the United States, while another may be located in the Midwest. Thus, the geographically separated enterprise storage system of the claimed invention is not taught by the heterogeneous storage environment of Leung. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claims 1, 8, 15 and 27, Applicants respectfully submit that Leung also fails to teach that the selected storage cells are identified based on at least one predetermined performance parameter in case that a storage cell that is identified based on a geographical parameter is not optimal. The passage of Leung cited by the Office teaches a number of device characteristics information used to determine optimal locations for storing

data. Para. 0049-0055. These device characteristics include: (1) available capacity information, (2) cost information, (3) supported bandwidth information, (4) desired threshold information, (5) file size requirement, and (6) availability characteristics. However, the device characteristics of Leung do not include a geographical parameter. Furthermore, Leung does not teach that its device characteristics are used in case that a storage cell identified based on a geographical parameter is not optimal. The claimed invention, in contrast, includes "...wherein the selected storage cells are identified based on at least one predetermined performance parameter in case that a storage cell that is identified based on a geographical parameter is not optimal." Claim 1. As such, in contrast to Leung, in the claimed invention a storage cell is identified based on a geographical parameter. Furthermore, the selected storage cells of the claimed invention are identified based on at least predetermined performance parameter in case that a storage cell that is identified based on a geographical parameter is not optimal. For the above reasons, the device characteristics of Leung do not teach the selected storage cells of the claimed invention. Accordingly, Applicants request that the rejection be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

**D. REJECTION OF CLAIMS 3-5, 10-12, 19-21, 22-24 AND 29-31 UNDER 35 U.S.C. §103(a)**

With regard to the 35 U.S.C. §103(a) rejections over Leung in view of Bible and Leung in view of Armitano, Applicants submit that the combined features of the cited art fail to teach each and every feature of the claimed invention. For example, with respect to independent claim 22, as argued above with respect to independent claims 1, 8, 15 and 27, Leung fails to teach or suggest a geographically separated enterprise storage system. Furthermore, with respect to independent claim 22, as argued above with respect to independent claims 1, 8, 15 and 27, Leung also fails to teach or suggest the selected storage cells are identified based on at least one predetermined performance parameter in case that a storage cell that is identified based on a geographical parameter is not optimal. Bible does not cure this deficiency. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

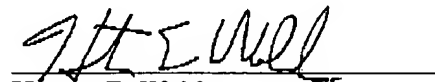
## VI. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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